

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Confirmation No.: 8833

Peter Kassan

Date: November 15, 2006

Serial No.: 09/824,404

Group Art Unit: 2164

Filed: April 2, 2001

Examiner: Sana Al-Hashemi

For: UNIVERSAL ASSET AND RELATIONSHIP MANAGER

VIA EFS-WEB

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPEAL BRIEF PURSUANT TO 37 C.F.R. §41.37

Sir:

This appeal is taken from the Final Office Action mailed May 15, 2006. In support of the Notice of Appeal filed September 15, 2006, the following Appeal Brief is presented.

I. REAL PARTY IN INTEREST:

The real party in interest in the above-identified application is: Treetop Ventures, LLC

II. RELATED APPEALS AND INTERFERENCES:

There are no related appeals or interferences of which applicants are aware regarding the above-identified application.

III. STATUS OF CLAIMS:

Claims 1-9 stand rejected under 35 U.S.C. §102(e).

Claims 10-28 stand rejected under 35 U.S.C. §103(a).

IV. STATUS OF AMENDMENTS:

A response to the Final Office Action was filed on August 15, 2006, no amendments to the claims were made in the August 15, 2006 response. In the Advisory Action the Examiner indicated that for the purposes of appeal, the amendments will not be entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER:

Independent claim 1 comprises an asset tracking, managing and servicing system that comprises at least two subsystems and a plurality of databases. One subsystem, a user-referenced subsystem 10, includes a respective assets/relationships database (A/R DB 12) which comprises a database capable of storing data records relating to user-based assets or user-based information and further including a records associator and request processor (see applicants' written description at page 4, lines 19-21). A second subsystem, a control/communication ("C/C") subsystem 29 causes interactions between user-referenced A/R data records and the service/product vendor ("SP/V") data records that are vendor-referenced (see applicants' written description at page 21, lines 18-23). Furthermore, a plurality of S/P vendor-referenced databases comprising SP/V data records describing vendor-referenced services or products are included in the system (page 4, lines 24-26). The C/C subsystem 29 causes communication in a manner that creates current user information, including via interactions initiated by vendors (page 18, line 27-page 19, line 8).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL:

The following ground of rejection is presented for review:

Whether claims 1-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Harrington ("Harrington," U.S. Patent Nos. 5,895,454).

Whether claims 10-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Harrington in view of Barlow et al. ("Barlow," U.S. Patent No. 6,038,551).

VII. ARGUMENT:

Rejection Under 35 U.S.C. §102(e)

Claims 1-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Harrington

(“Harrington,” U.S. Patent Nos. 5,895,454).

Harrington teaches a method of effecting commerce in a networked computer environment. A database of vendor product information is established, and a database interface allows remote access to the database by one or more users. In particular, information stored in the database “directs” the user to remote vendor web sites, and the user selects products/services provided on the remote vendor network site that corresponds to the information (column 5, line 61-column 6, line 3). Upon a selection of a product/service, a “transaction” notification is transmitted to the database (column 2, lines 40-50). The transaction notification relates to the selections made by the user of a product or sale for purchase. During or at the conclusion of a local user’s shopping session, the user confirms the selection(s) whereby the database and associated database interface transmits purchase/ordering data to the remote vendor sites corresponding to the users selection.

Harrington recognizes and solves problems associated with an unmanageable amount of information being accessible to a user, particularly to discriminate between commercial from non-commercial sites, and enabling a user to narrow a search sufficiently so that non-vendor sites are excluded and vendor sites satisfying desired criteria are identified. Accordingly, Harrington provides an integrated interface and associated method which allows a user to select a vendor site or range of vendor sites, where a wide variety of consumer transactions can take place in an integrated environment while accessing a wide variety of vendor locations.

Respectfully, Harrington regards and solves a completely different problem than recognized and solved by applicants’ claims 1-9. Moreover, elements of applicants’ claims 1-9 are not taught or suggested by Harrington, and Harrington cannot be used to implement the features defined by applicants’ claims 1-9. Particularly, elements not taught or suggested by Harrington include applicants’ control and communication subsystem that enables “tracking” of “user-based assets” and “managing servicing for the user-based assets.” Further, Harrington does not teach or suggest “interactions initiated by vendors” for the “control and communication subsystem” to enable the “tracking” and “managing servicing” for the assets.

In contrast to applicants’ claimed “control and communication subsystem” that enables “tracking” of “user-based assets” and “managing servicing for the user-based assets,” Harrington teaches a user interacting with the database to “specify a local users product/service

specification” (column 2, lines 29-33). The “local users product/service specification” is not a user-based asset, but is instead a search term that a user submits to locate a product/service for purchase. The user’s specification of a product/service is used to query the database and identify remote vendor network sites and to connect the user to the sites to purchase the product/service. Respectfully, this is very different from tracking “user-based” assets and “managing servicing” for those assets.

Further, Harrington provides no analog or even similar structure or functionality of “interactions initiated by vendors” to enable the tracking and managing servicing for user’s assets. Rather, Harrington is representative of the typical e-commerce application in a unique embodiment or form thereof. The only “user” or “client” in Harrington is in the form of the client browser application 13. Clearly, a browser allows an individual user to enter information that the user is interested in obtaining information relative thereto. But, this prior art is entirely silent regarding a vendor being able to comb a particular database, which holds the personal data records of a plurality of users, in order to initiate a proposal or to take action relative to the private assets or information of those individuals.

Thus, both in structure and functionality, Harrington is far from teaching all of the elements of claim 1, as required for a rejection based on “anticipation.” None of the drawings or description of this reference discloses the user-based database which holds the information about the assets and services utilized by individuals, as in claim 1. Nor is there any description in this reference of a system where transactions occur as a result of initiative taken by vendors.

Therefore, for the reasons set forth above, elements of applicants’ claim 1 are not taught or suggested by Harrington and, therefore, Harrington does not anticipate applicants’ claim 1.

Claim 2-9 depend directly or indirectly from claim 1 and are, therefore, patentable for the same reasons, as well as because of the combination of features in those claims with the features set forth in the claim(s) from which they depend.

Rejection Under 35 U.S.C. §103(a)

Claims 10-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Harrington in view of Barlow et al. (“Barlow,” U.S. Patent No. 6,038,551).

Applicants respectfully submit that Barlow does not supply the elements of applicants' claim 1 that are missing from the teachings of Harrington. Barlow describes a system and method for configuring and managing security resources on a multi-purpose integrated circuit smartcard using a personal computer. Barlow teaches that a user maintains information about their personal assets or other aspects of their lives on an intelligent PC card which can be connected to a computer to monitor and update its contents, or to a remote computer. Barlow, however, does not teach or suggest applicants' claim 1 control and communication subsystem that enables a vendor able to "initiate" an interaction between asset and relationship tracking repository data records in a manner that creates current user information, and enables tracking the user-based assets and managing servicing for the user-based assets for each of the plurality of users.

Accordingly, applicants respectfully submit that the combination of Harrington and Barlow does not teach all of the elements of applicants' claim 1 and, therefore, does not render applicants' claim 10-28 obvious under 35 U.S.C. §103(a). In view of the foregoing remarks, reconsideration is respectfully requested.

Claims 10-28 depend directly or indirectly from claim 1, and are, therefore, patentable for the same reasons, as well as because of the combination of features in those claims set forth the with the combination of features set forth in the claim(s) from which they depend.

VIII. CONCLUSION:

For the reasons set forth above, it is respectfully submitted that all claims in this application clearly define over the prior art, and the rejections under 35 U.S.C. §102(e) and §103(a) should also be withdrawn. Therefore, the Board is requested to reverse the Examiner's rejections and find the claims to be allowable over the art of record.

Applicants reserve the right to request an oral hearing upon receipt of the Examiner's Answer.

Credit card payment for the required filing fee in the amount of \$250.00 is submitted via EFS-Web.

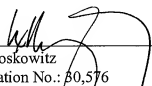
If this Appeal Brief is filed after a shortened statutory time period has elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under

37 C.F.R. §1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. §1.17 should be charged to our Deposit Account No. 15-0700.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

**THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE
EFS FILING SYSTEM ON November 15, 2006.**

Respectfully submitted,



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CLAIMS APPENDIX

1. An asset tracking, managing and servicing system, comprising:
a user-referenced subsystem including, for each of a plurality of users, a respective asset and relationship tracking repository database operable to store data records relating to user-based assets or user-based information, and further including a records associator and a request processor;

a plurality of at least one of a service and product, vendor-referenced, databases comprising at least one of a service and product, vendor-referenced data records which constitute data records describing vendor-referenced services or products, the at least one of a service and product, vendor-referenced data records comprising at least one of service and product information; and

a control and communication subsystem that causes interactions between asset and relationship tracking repository data records that are user-referenced and the at least one of a service and product, vendor-referenced data records that are vendor-referenced, in a manner that creates current user information, including via interactions initiated by vendors, and enables tracking the user-based assets and managing servicing for the user-based assets for each of the plurality of users.

2. The system of claim 1, further including a facility associated with the user-referenced subsystem which groups selected items from the asset and relationship tracking repository data records into groups of records.

3. The system of claim 1, in which the asset and relationship tracking repository data records include asset-related information.

4. The system of claim 3, in which the asset-related information is comprised of one or more data items selected from an information data group consisting of: warranties; periodic maintenance; payment schedules; payment history; proof of ownership of assets; proof of purchase; product recall data; tax related information; installment payment dates; expiration dates; renewal dates; expenditure history; and next mandated maintenance date.

5. The system of claim 3, in which the asset-related information is comprised of one or more data items selected from an information data group consisting of: time and date of transactions; vendor; personal data of purchaser; addressing information of recipient; personal demographic information about purchaser or recipient; generic description of an asset; contract terms and conditions; entity purchased from; and contact information.

6. The system of claim 5, in which the data items also include transaction type information including: purchase, rental, lease, and contract signing.

7. The system of claim 1, in which the user-referenced subsystem further includes a security controller.

8. The system of claim 7, in which the security controller is operable to set a variety of authorization levels that determine and select those asset and relationship tracking repository data records to which the request processor shall have access.

9. The system of claim 8, in which the authorization levels are based on criteria selected from a criteria group that consists of: a user identifier; a requestor personal identification number; type of access rights granted; data that pertains to assets associated with a requestor; transaction code; asset and relationship tracking repository data record category; and vendor class.

10. The system of claim 1, in which the asset and relationship tracking repository data records are encrypted.

11. The system of claim 1, the asset and relationship tracking repository data records including personal preference information.

12. The system of claim 7, in which the security controller enables communication via a trusted agent.

13. The system of claim 1, in which the request processor includes a facility that enables the user-referenced subsystem to respond to unsolicited requests for detailed information about assets.

14. The system of claim 1, in which the request processor receives a request for information from remote computing facilities.

15. The system of claim 1, in which the request processor assigns a unique transaction number to each request.

16. The system of claim 1, in which the request processor develops a history of transactions.

17. The system of claim 1, in which the records associator is a facility that automatically establishes associations between asset and relationship tracking repository data records of various types, based on a set of criteria.

18. The system of claim 17, in which the records associator tentatively establishes associations at the time a transaction is made.

19. The system of claim 17, including an inference engine and in which the criteria for the records associator are developed by the inference engine which is a software component of the records associator that analyzes consumers transactions as they occur, to derive likely associations.

20. The system of claim 17, further including a user rule facility which is referenced by the records associator to develop rules of association.

21. The system of claim 1, further including an editor or viewer in the user-referenced subsystem through which users access the asset and relationship tracking repository data records for the purposes of editing and viewing the same.

22. The system of claim 1, further comprising an individual best coordinator, which is a process that provides decision support to a user based on a current transaction and current assets in the user's asset and relationship tracking repository database.

23. The system of claim 22, in which the individual best coordinator is operable on the basis of heuristics and rules established by the user and an analysis engine.

24. The system of claim 1, in which the user-referenced subsystem comprises a computer/software construct that is resident on a user's computer.

25. The system of claim 1, in which the user-referenced subsystem comprises a computer/software construct that is resident on the Internet.

26. The system of claim 1, in which the user-referenced subsystem comprises a computer/software construct that is resident on a private database located outside of the user's individual computer.

27. The system of claim 1, further including a facility that enables user-to-user communications.

28. The system of claim 1, further including a facility that enables user-to-vendor communications and the transference of information from vendor-based databases to users at the request of users.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.